

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

---

In Re:

CASE NO. 07-26308-MDM

AIRTON SCHU

CHAPTER 13

Debtor.

---

STIPULATION TO CURE ARREARAGES AND  
GRANTING U.S. BANK NATIONAL ASSOCIATION  
ADEQUATE PROTECTION AND MODIFYING THE AUTOMATIC STAY

---

WHEREAS, Airton Schu (hereinafter "Debtor") filed for Relief under Chapter 13 of the U.S. Bankruptcy Code (11 U.S.C. Section 101 et seq.) on August 14, 2007, and Thomas J. King is the Chapter 13 Trustee; and

WHEREAS, this Court has jurisdiction over this proceeding under 28 U.S.C. §§ 1334 and 157, and the Order of Reference of The District Court; this is a core proceeding under 28 U.S.C. § 157; and venue in this Court is proper under 28 U.S.C. § 1409; and

WHEREAS, this Stipulation is brought pursuant to Bankruptcy Code § 362 and Federal Rules of Bankruptcy Procedure 4001, 6007 and 9014; and

---

Janine L. Collette, Esq.  
Attorneys for U.S. Bank, N.A.  
Kohner, Mann & Kailas, S.C.  
Washington Building  
4650 North Port Washington Road  
Milwaukee, WI 53212-1059  
Telephone: (414) 962-5110  
Facsimile: (414) 962-8725  
Email: [jcollette@kmmklawfirm.com](mailto:jcollette@kmmklawfirm.com)

WHEREAS, U.S. Bank National Association (hereinafter "Creditor") filed its Notice of Renewed Motion for Relief from Automatic Stay (hereinafter the "Motion") with the Bankruptcy Court on November 16, 2009; and

WHEREAS, Debtor filed an objection to the Motion (hereinafter the "Objection") dated December 2, 2009; and

WHEREAS, the Debtor owes, as of December 31, 2009, the following post-petition arrearages, which were to be paid outside the Chapter 13 Plan:

Four (4) payments @ \$1,257.33 each (09/01/09-12/01/09)	\$	5,029.32
Accrued late fees	\$	36.81
Post-petition property inspections	\$	260.00
Less Suspense balance	\$	(19.73)
Attorney Costs	\$	400.00
Total:	\$	5,706.40

IT IS HEREBY STIPULATED AND AGREED, by and between the Debtor and Creditor, as follows:

1. The Debtor delivered to Creditor a payment of \$1,258.00 on December 15, 2009 to be applied to the post-petition arrearages.
2. Creditor (or its principals, successors or assigns) shall be entitled to file a supplemental claim for the remaining post-petition arrearages in the sum of \$4,448.40 (the "Supplemental Claim") to be paid through the Chapter 13 Plan.
3. The Debtor agrees to pay the Supplemental Claim through the Plan.
4. To provide adequate protection of the interests and liens in and against the real estate and improvements, commonly known as 705 Pioneer Avenue, Waupun, Wisconsin 53963

(herein referred to collectively as the “Collateral”), described in the loan and security documents (herein the “loan documents”) described in Creditor’s Motion on file with the Court, the Debtor shall continue to make post-petition mortgage payments outside the Chapter 13 Plan in the amount of \$1,257.33 per month (monthly payment amount may change from time to time in accordance with the terms of loan documents), starting with the January 1, 2010 payment. The January 1, 2010 payment and all future payments must be received on or before the 16<sup>th</sup> day of each month, **at the following address** (unless Creditor in writing directs the Debtor to deliver payment to a different address):

U.S. Bank, N.A.  
c/o U.S. Bank Home Mortgage  
4801 Frederica Street  
Owensboro, KY 42301

Please identify loan number when making a payment.

5. As additional adequate protection, Debtor agrees to a “doomsday provision”, providing that, in the event the Creditor does not receive any required payment on or before the 16<sup>th</sup> day of each month in the amount of \$1,257.33 per month (monthly payment amount may change from time to time in accordance with the terms of loan documents), beginning with the January 1, 2010 payment, the automatic stay will be terminated upon the occurrence of all of the following: (1) the Creditor (or its principals, successors or assigns) filing with the Court written confirmation of the missed payment(s); (2) counsel for the Creditor (or its principals, successors or assigns) filing with the Court a proposed Order terminating the stay; (3) counsel for the Creditor (or its principals, successors or assigns) promptly mailing to the Debtor and to counsel for the Debtor at their last known address(es) a copy of the notice of payment default and proposed Order filed with the Court; and (4) the Court signing the proposed Order terminating the automatic stay. This doomsday provision shall be effective for a period of nine (9) months

from, and including, the January 1, 2010 payment and continuing through, and including the September 1, 2010 payment.

6. As additional Adequate Protection, Creditor (or its principals, successors or assigns) can renew this Motion by letter for the balance of the Chapter 13 Plan term.

7. The individuals signing this Stipulation hereby represent that they have full authority to execute this Stipulation on behalf of their respective clients.

8. The Debtor and Creditor understand that this Stipulation is not effective until approved by Order of the Bankruptcy Court.

9. This Stipulation may be signed in counterparts and copies may be used instead of originals. The executed counterparts shall be construed as and constitute one document.

10. The Debtor and Creditor agree that any Order granting a Motion for Relief from Automatic Stay is not subject to the ten (10) day stay referenced in Federal Rule of Bankruptcy Procedure 4001(a)(3).

11. Creditor's law firm is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Dated: February 1, 2010.

Dated: 02/19/10

UTTECH LAW OFFICE  
Attorneys for Debtor

By: Paul R. Uttech

Paul R. Uttech  
N7652 Edgewater Drive  
Beaver Dam, WI 53916  
Telephone: (920) 887-2783

Dated: 04/20/10

KOHNER, MANN & KAILAS, S.C.  
Attorneys for Creditor

By: Michael J. Keepman

~~Janine L. Collette~~ Michael J. Keepman  
Attorney No. 1063934 1075114  
Washington Building  
4650 North Port Washington Road  
Milwaukee, WI 53212 - 1059  
Telephone: (414) 962-5110

Dated: \_\_\_\_\_

CHAPTER 13 TRUSTEE

By: \_\_\_\_\_

Thomas J. King

P. O. Box 3170

Oshkosh, WI 54903

CASE NO. 07-26308  
STIPULATION TO CURE ARREARAGES AND GRANTING  
U.S. BANK NATIONAL ASSOCIATION ADEQUATE PROTECTION  
AND MODIFYING THE AUTOMATIC STAY

W:\FORECLOSURE\BANKRUPTCY\Ch 13\AP Stip.doc